

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

KURT MUELLER,)
Plaintiff,)
)
v.) Civil Action No. 1:15-CV-847 (LMB/TCB)
)
U.S. PATENT AND TRADEMARK)
OFFICE, ET AL.,)
Defendants.)
_____)

MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants, U.S. Patent and Trademark Office, Michelle Lee, Under Secretary of Commerce for Intellectual Property and Director of the USPTO, and Margaret Focarino, former Commissioner for Patents, by undersigned counsel, hereby respectfully move this Court to dismiss plaintiff's complaint for lack of subject matter jurisdiction. The grounds for this motion are fully explained in the simultaneously-filed memorandum of law in support of the motion.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

LAUREN A. WETZLER
CHIEF, CIVIL DIVISION
Assistant United States Attorney

By: /s/
Chieko Clarke
Special Assistant United States Attorney
2100 Jamieson Avenue
Alexandria, Virginia 22314
(703) 299-3770 (direct)
(703) 299-3983 (fax)

chieko.clarke@usdoj.gov

DATE: August 31, 2015

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2015, I filed a copy of the foregoing with the Clerk's Office and will cause to be delivered, by first class mail, a copy of the foregoing to the following:

Kurt Mueller
5870 Cameron Run Terrace
Apartment 909
Alexandria, VA 22303
Pro Se Plaintiff

Date: August 31, 2015

/s/
CHIEKO CLARKE
Special Assistant United States Attorney
2100 Jamieson Avenue
Alexandria, VA 22314
Telephone: (703) 299-3770
Fax: (703) 299-3983
Email: chieko.clarke@usdoj.gov

ATTORNEY FOR DEFENDANTS